

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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Roy Den Hollander,

Plaintiff on behalf of himself
and all others similarly situated,

Civil Action No. 07 CV 5873 (MGC)

-against-

Copacabana Nightclub,
China Club,
Guest House,
A.E.R. Nightclub,
Lotus,
Sol, and
Jane Doe Promoters,

Defendants .

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PLEASE TAKE NOTICE that, upon the accompanying Declaration of Deborah Swindells Donovan and Memorandum of Law of Defendant Lotus, and upon all prior pleadings and proceedings herein, the undersigned will move this Court, before Honorable Judge Miriam G. Cedarbaum, at the Courthouse located at 60 Pearl Street, New York, New York, on November 29, 2007 or on an alternate date to be designated by the Court, for an Order, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, dismissing Plaintiff's Complaint in its entirety for failure to state a cause of action upon which relief may be granted.

Defendant Lotus further requests that the Court accept this Motion although it was not filed by 12:00 noon today. We mistakenly believed the 12:00 noon deadline applied only to opposition and reply briefs. Plaintiff, however, brought the deadline to our attention.

We do not believe there is any prejudice to Plaintiff and, should he wish additional time to oppose this Motion, we will consent to such an extension.

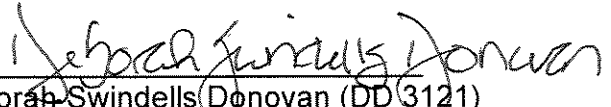
Defendant further requests such other and further relief as the Court may deem just and proper.

Dated: New York, New York
November 7, 2007

Respectfully Submitted,

GORDON & REES, LLP

By:


Deborah Swindells Donovan (DD 3121)
Attorneys for Defendant Lotus
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To: See attached certificate of service